REMARKS

This responds to the Office action mailed July 7, 2009. Claims 1 and 7 are amended. As a result, claims 1, 3, 5-7, and 10-17 are now pending in this application.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 3, 5-7, and 10-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,708,845 to Wistendahl et al. ("Wistendahl") in view of U.S. Patent No. 5,633,683 to Rosengren et al. ("Rosengren") and U.S. Patent No. 5,699,106 to Matsubara et al. ("Matsubara").

Independent claim 1 as amended recites, in part, "a computer for selectively controlling a switch to periodically change the at least one of different audio or video data, and different binary data played via the number of hot spots by transmitting a first at least one of different audio or video data, and first different binary data for play on the playing device via the number of hot spots during a first time interval while playing the at least one of audio or video data, and binary data" and "transmitting a second at least one of different audio or video data and second different binary data for play on the playing device via the number of hot spots during a second time interval while continuing playing the at least one of audio or video data, and binary data." Independent claim 1 further recites "selectively exercise upon a hot-spot by reading the link data and playing the first at least one of different audio or video data, and first different binary data indicated by the link data on the playing device during the first time interval and playing the second at least one of different audio or video data, and second different binary data indicated by the link data on the playing device during the second time interval." Applicants cannot find these claim elements in the references. In particular, Wistendahl and Matsubara alone or in any combination, fail to teach or suggest the above claim limitations or otherwise render the claims as being obvious. Similarly, independent claim 7 includes substantially the same claim limitations as independent claim 1, and therefore these same claim limitations recited in independent claim 7 are not found in Wistendahl, Rosengren, or Matsubara.

Wistendahl relates to a system for mapping objects in digital media presentations as hot spots without embedding any special codes in the original digital media content.[1] Wistendahl

---

[1] *See* Col. 4, lines 60-63.

describes hot spots as corresponding to different objects within an individual frame. For example, in reference to FIG. 2, Wistendahl discloses:

> "an individual frame is illustrated showing an image of an object A such as a face next to an object B such as the sun. In interactive use, the user can point at (click on) the face A or the sun B to connect to further information or a further development in the story being presented. In accordance with the invention, the original media content is converted to interactive use without embedding special codes in the digital data for the frames, by mapping the 'hot spots' as separate data which are used in an interactive digital media program associated with the media content. Thus, for the frame F_i, a 'hot spot' area $A'(F_i)$ is mapped for the object A, and a 'hot spot' area $B'(F_i)$ is mapped for the object B."[2]

After selecting a hot spot encompassing a particular object, Wistendahl discloses displaying information about that particular object, such as trivia information, and/or initiating an Internet connection to obtain additional information about the object.[3]

Rosengren discloses "a television transmitter for transmitting a plurality of video signals via a common channel, each video signal having a program number, the transmitter being adapted to generate a mosaic video signal comprising a plurality of sub-pictures, each sub-picture representing one of said plurality of video signals, generate data linking the position of each sub-picture on a display screen with the program number of the associated video signal, and transmit said mosaic video signal and linking data through said common channel."[4]

Matsubara relates to an interactive program selecting system that permits "interactive program selection through only a down-link line in the broadcasting type CATV system and permit[s] changing of broadcasting signal and the number of data scanning operations to be suppressed upon the interactive program selection."[5] "[A] broadcasting station issues to [an] optical cable a great number of broadcasting signals each containing a broadcasting signal for menu in which data in units of one menu screen are consecutively arranged on the time axis, and the tuner receives a desired channel from broadcasting signals transmitted through the optical cable."[6] "A menu screen information extractor ... extracts menu screen information from the

---

[2] *See* Col. 5, lines 46-58.
[3] *See* Col. 8, lines 41-54.
[4] *See* Col. 1, lines 29-38.
[5] *See* Col. 1, lines 50-55.
[6] *See* Col. 2, lines 14-20.

broadcasting signal ... and then extracts and separates display data and control data from the extracted menu screen information."[7]

The present application discloses that "[i]n operation, video switch 314 receives a plurality of video signals 301-312. (In an alternative embodiment there may only be one video signal.) The video switch is programmed by computer 322 via control signal 326. Control signal 326 determines which video channels 301-312 are passed through video switch 314. In the present example, video channels 303, 305, 308 and 311 are passed through video switch 314. In practice, the output combination is set for a predetermined period, such as two minutes, as described in the Switching Schedule of FIG. 7. At *certain predetermined times*, computer 322 changes control signal 326 such that switch 314 *outputs different video channels 301-312 to video effect device 316*. Video effect device 316 receives four input video signals and modifies the four video images to reduce them in size, so that all four images can be displayed in a single multi-screen video image that can be viewed on video monitor 318."[8] Thus, while a video or audio is playing on a monitor, the different video, audio, binary data being played via a hot spot periodically changes.

As an example of controlling switching according to time periods to change what is playing via hot spots, the present application further discloses "[t]he switching schedule is a continuous schedule that can be on any time basis in the embodiment illustrated in FIG. 7, two iterations of the switching schedule are provided: one at time=11:28:00:00 and the second at time 11:30:00:00. At time 11:28:00:00 video switch C is indicated by the hot-spot located at x1=40, y1=60, x2=300, y2=220 and is associated with link event 27.[9] At time 11:30:00:00 video switch D is indicated by the hot-spot located at x1=40, y1=60, x2=300, y2=220 and is associated with link event 28."[10]

Wistendahl fails to teach or suggest periodically changing what is being played via a hot spot while continuing playing of the same video or audio data as claimed. More specifically, Wistendahl fails to teach or suggest "selectively controlling a switch to periodically change the at least one of different audio or video data, and different binary data played via the number of hot spots by transmitting a first at least one of different audio or video data, and first different binary data for play on the playing device via the number of hot spots during a first time interval while

---

[7] *See* Col. 3, lines 17-20.
[8] *See* Application page 4, paragraph 43. Emphasis Added.
[9] *See* Application page 4, paragraph 48.
[10] *See* Application Fig. 7.

playing the at least one of audio or video data, and binary data" and "transmitting a second at least one of different audio or video data and second different binary data for play on the playing device via the number of hot spots during a second time interval while continuing playing the at least one of audio or video data, and binary data." Wistendahl also fails to teach or suggest "a receiver . . . to selectively exercise upon a hot-spot by reading the link data and playing the first at least one of different audio or video data, and first different binary data on the playing device during the first time period and playing the second at least one of different audio or video data, and second different binary data on the playing device during the second time period." The proposed combination with Rosengren and Mastubara does not overcome these defects.

Based on the foregoing, Wistendahl, Rosengren, and Matsubara, alone or in any combination, do not teach or suggest every claim limitation of independent claims 1 and 7. Therefore, Applicants respectfully request the withdrawal of the §103(a) of his rejection and allowance of independent claims 1 and 7 or otherwise render the claims as being obvious.

Applicants submit that a dependent claim incorporates each of the claim elements of the independent claim from which it properly depends, and more. Applicants assert for the reasons stated above, that Wistendahl, Rosengren, and Matsubara, alone or in any combination do not teach or suggest all of the claim elements of dependent claims 3, 5, 6, and 10-17 or otherwise render the claims as being obvious. Accordingly, the Applicants respectfully request that the Examiner withdraw his rejection of claims 3, 5, 6, and 10-17 and indicate the allowance thereof.

The amendments to the claims were made solely for the purpose of clarifying terms in the claim and such amendments should not be construed in any way as narrowing the scope of the claim or its equivalents.

Conclusion

Based on the foregoing, it is submitted that the claims 1, 3, 5-7, and 10-17 are patentable over the references of record. Issuance of a Notice of Allowance is solicited. Applicant's attorney welcomes the opportunity to discuss the case with the Examiner in the event there are any questions or comments regarding the response or the application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-1662.

Respectfully submitted,

POLSINELLI SHUGHART PC

September 11, 2009
Dated

/ Robert Enyard /

Robert O. Enyard, Jr., Reg. No. 57,780
100 South Fourth Street, Suite 1100
St. Louis, Missouri 63102
Tel: (314) 552-6862
Fax: (314) 231-1776
Attorney for Applicant(s)

426549.5

10